

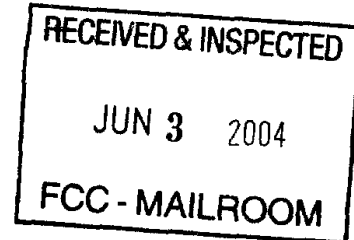


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Software • Business Services • Engineering

1 June 2004

Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554




Re: CG Docket No. 02-386

Dear Ms. Dortch:

Enclosed please find an original and four copies of the Comments of Martin Group, Inc. in the Commission's proceeding in CG Docket No. 02-386.

These comments were also filed electronically on the Commission's ECFS system on June 1, 2004.

Thank you,

  
Joe Schuele  
Martin Group, Inc.

CC: Kelli Farmer, FCC

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**If CARE standards are made mandatory in any instance, Martin Group encourages the Commission to limit this action as closely as possible to the currently-practiced CARE standards,**

use this opportunity to explain its concerns.

#### **Additional "W" Code**

Some parties have suggested that an additional customer account code (such as a "W") be required to indicate that a customer has switched to a wireless service provider for its main source of local exchange service. Martin Group opposes this proposal, for the following reasons:

The additional code has been suggested because very few wireless carriers offer 1+ equal access, and instead usually serve as the customer's long distance provider. While this is true, Martin Group hardly finds this to be justification for the proposed additional customer code. Are we to assume that the "W" indicates that this customer is no longer a worthy marketing target for landline long-distance services? If so, the CARE standards are a very odd place to achieve such a function. Carriers need to make their own decisions regarding marketing prospects, and expanding the CARE standards into this subject area sets a dangerous precedent.

Furthermore, a customer's decision to "go wireless only" is often invisible to the local exchange carrier. Unless the customer is porting his/her number to the wireless carrier, this change of service will often appear to be a normal disconnect. Customers may feel no obligation to inform the LEC that they are switching to wireless service, nor should they. In these instances, the LEC will have no information on which to base a decision about whether to insert the additional code. The Commission must keep in mind that wireline-to-wireless local number portability ("LNP") is not universal by any means. In some instances, the LEC may have received no bona fide requests for LNP, or the state commission may have suspended the LNP requirement. In other situations, the customer may simply want to change service without porting his/her number. For these and many other practical reasons, the proposed "W" code is unworkable, unnecessary, and should not be mandated by the Commission.

#### **Informing IXC's of a new LEC**

Some parties have requested that LECs not only inform the IXC when a customer discontinues service, but also provide information regarding the "new" LEC that is now serving the customer. Once again, this suggestion would impose an additional burden on the existing LEC that it may or may not be able to accurately fulfill. A customer changing local service providers could appear to be a simple disconnect, especially if he/she chooses not to port the number. Should the Commission decide that IXC's need to be informed of the identity of the "new" LEC when a customer changes local service providers, it would be much more logical to impose this requirement on the "new" LEC. The "new" LEC is the entity that is gaining a customer in this transaction, and therefore has greater ability and incentive for promptly and accurately transmitting this information to the IXC. Shifting this burden to the "new" LEC also eliminates the problem that the existing LEC may have in distinguishing a change of service provider from a simple disconnect.

#### **Line-level database**

Martin Group urges the Commission to reject AmericaTel's suggestion earlier in this proceeding to impose a line-level customer information database on the telecommunications industry, which AmericaTel suggests is needed for greater access to account-related information. Martin Group feels that this proposal would impose significant additional costs on the industry, for the benefit of only a small subset of carriers. Martin Group is concerned that with no concrete plan suggested to cover these costs, the burden will fall disproportionately on LECs and their subscribers.

Martin Group finds it ironic that a dial-around provider would propose a mandatory line-level database, and cite its lack of access to accurate customer billing name and address ("BNA") information, credit information, etc., as justification for its proposal. Dial-around providers make

it a habit of marketing their loose relationship with the customer as a major selling point. "Nothing to sign up for", "No monthly fees", and "No contracts to sign" are trademark slogans of the dial-around industry. If these providers feel that this is an advantageous way to do business with the customer, then they should learn to deal with the disadvantages as well. Instead, it seems that AmericaTel would like to have the rest of the telecommunications industry address these issues on its behalf. Martin Group is not criticizing dial-around carriers or the services that they provide. But dial-around providers simply cannot have it both ways. If they choose to do business using no BNA, no credit checks, and no formal relationship whatsoever with the customer, they should do so under the doctrine of "seller beware."

#### **Performance measures**

As indicated, Martin Group urges the Commission to keep the current CARE standards voluntary at this time, or to impose them as mandatory only in the areas in which a clear need has been established. But to the extent that mandatory CARE standards may be imposed, Martin Group is concerned about the call from some IXCs for mandatory performance measures. Should the Commission choose to implement performance measures, Martin Group urges flexibility for small carriers that do not possess the staff or resources to complete all CARE functions in the same manner or time frame as a Bell Operating Company or other large LEC.

#### **Conclusion**

In summary, Martin Group urges the continued use of industry-developed CARE standards, rather than a new regulatory mandate. But to the extent that mandatory standards may be imposed, Martin Group urges the Commission to stay within the current parameters of the existing CARE standards. Also, the Commission is urged to focus any new requirements on competitive service areas. These are the service areas at which most of the comments to date in this proceeding have been targeted. Finally, Martin Group asks the Commission to avoid imposing significant cost burdens on the entire industry, which are of limited value and will benefit only a select group of carriers.

Respectfully submitted,



Joe Schuele  
Assistant Director, Regulatory Affairs  
Martin Group, Inc.  
303-432-3945  
303-362-1196 FAX  
8632 West 86<sup>th</sup> Circle  
Arvada, CO 80005  
[joeschuele@martin-group.com](mailto:joeschuele@martin-group.com)